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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,868	12/29/2000	Peter J. Radusewicz	11SW-4908	7946

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EXAMINER

POLK, SHARON A

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/751,868	Applicant(s) RADUSEWICZ, PETER J.	
	Examiner Sharon Polk	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on October 10, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) 29-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed October 10, 2003, with respect to claims 1-28 have been fully considered and are persuasive. The art rejection with respect to claims 1-28 has been withdrawn. See reasons for allowance below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by MX100.

With regard to claim 38, MX100 teaches an automatic transfer switch controller in which the controller senses one of single and multiple phases (3 phase) of signals provided from power sources (e.g., p. 16, J5).

With regard to claim 40, the MX100 teaches monitoring of the voltages and the frequencies (pgs. 7 and 10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-31, 33-37, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Operation and Maintenance Manual Transfer Switch Control Panel MX100 Microprocessor Controller (MX100) in combination with Schweitzer, III, et al., US 5,680,324.

With regard to claims 29-31, 42, and 43 MX100 teaches an automatic transfer switch controller wherein a built in 7-day exercise clock is within the controller (p. 9:CDT Exerciser).

ZTG does not explicitly teach a controller comprising a configuration section including a jumper panel. However Schweitzer teaches that it is known to use configuration jumpers in processors of an electronic network system to initialize conditions (4:26-30). One of ordinary skill in the art at the time the invention was made would have been motivated to modify ZTG to explicitly teach configuration jumpers as taught by Schweitzer for the purpose of providing user-defined commands to carry out specific functions associated with the control commands (13:11-13).

Claims 33-37, and 43 recite conventional design choice features. In particular, choices of voltage and frequency via jumpers. As discussed above, Schweitzer teaches the use of jumpers to configure/reconfigure a system. Furthermore, official notice is taken that the recited voltages and frequencies, are well known and recognized conventional voltages/frequencies used in the power systems art. Thus one would have been motivated to incorporate any one of the recited voltages and frequencies in their system based upon the existing parameters of the system.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over MX100 in combination with Schweitzer, III, et al. and ASCO Series 165 Automatic Transfer Switches (ASCO).

With regard to claims 32, MX100 as modified by Schweitzer does not explicitly teach the controller controlling the switching between a utility and a generator. However, ASCO explicitly recites/teaches this conventional feature (p. 2, figs. 1 and 2). One would have been motivated to have automatic control switching between the two for the purpose of providing continuity of service.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over MX100.

With regard to claim 41, adding the features of the location of microcontroller and phase sense board. Official notice is taken that enclosures in the power systems art contain panels etc. for mounting equipment and include mountings for standard features (i.e. main boards) and optional features. As such one as a matter of design choice would have been motivated to include additional boards as needed to provide increased options for the user.

Allowable Subject Matter

4. Claims 1-28 are allowed. The following is an examiner's statement of reasons for allowance: After reviewing Applicants arguments, in particular those found on pages 5-8, the examiner agrees that there is no suggestion or motivation to combine the

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patents as recited to yield the claimed invention. In general, the recited art discloses pieces of the claimed invention but lack any nexus to one another.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

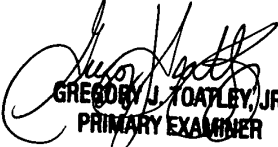
Communication with the PTO

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Polk whose telephone number is 703-308-6257. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

sp


GREGORY J. TOATLEY, JR.
PRIMARY EXAMINER